UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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RICHARD COOPER,)
Plaintiff(s),	3:04-cv-0665-RLH-VPC
vs.	ORDER
PATRICIA LEONHARDT, et al.,)
Defendant(s))

Before this Court is the Report and Recommendation of United States Magistrate
Judge (#59, filed March 4, 2008), entered by the Honorable Valerie P. Cooke regarding Defendants'
Motion to Dismiss (#55, filed January 22, 2008). Plaintiff has filed an Objection to R&R (#60, filed
March 21, 2008), in accordance with Local Rule IB 3-2 of the Rules of Practice of the United States
District Court for the District of Nevada. The Objection was filed late, after the matter had been
submitted for consideration. However, the Court will consider it timely.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and Recommendation of Magistrate Judge Cooke should be accepted and adopted.

The Objection suggests that the Plaintiff did not appear or respond to prior orders of the Court because he had been released from custody and was homeless until a subsequent arrest and that the county officials knew where he was but misled the Court about his whereabouts. The Court reminds the Plaintiff that it is he who is responsible to notify the Court when his address

changes. The fact that he may have appeared before Judge Cooke on another case does not put her or the Court on notice of the fact that his address has changed or is not what it was thought to be.

Upon Plaintiff's release from custody, the only address the Court had was a forwarding address in Ohio. The return address on the Objection appears to be 911 Parr Blvd, Reno, Nevada, 89512, but it is difficult to read. And Plaintiff still has not "notified" the Court of an address change.

Furthermore, the money damage claims in this case have already been dismissed. This dismissal is as to the claims for injunctive relief, which can only be granted if there is a clear and imminent danger to Plaintiff based on the claims of the complaint. Since he has been released from that custodial situation, there can be no present danger from the circumstances described in the complaint.

IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommendation (#59) is AFFIRMED and ADOPTED; Defendants' Motion to Dismiss (#55 is granted and the case is dismissed.

Dated: March 25, 2008.

ROGER L. HUNT
Chief U.S. District Judge